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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/006,839	01/12/1998	PAUL SIDIKMAN	C0464.093809	4194

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EXAMINER	
KAZIMI, HANI M <i>22</i>	
ART UNIT	PAPER NUMBER

2164

DATE MAILED: 01/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/006,839	SIDIKMAN ET AL.
Examiner	Art Unit	
Hani Kazimi	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 October 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 19-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 19-37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. This communication is responsive to Applicant response filed on October 22, 2001.

*Status of Claims*

2. Of the original claims 1-18, claims 1-18 have been canceled without prejudice or disclaimer in the amendment filed on January 12, 1998, and claims 22-41 have been added in the same amendment. However, since the original claims were 1-18, the added claims 22-41 have been renumbered as 19-38 according to 37 C.F.R. 1.126. In the amendment filed February 16, 2000, claims 19, and 38 have been amended. In the amendment filed August 8, 2000, claim 38 have been canceled without prejudice or disclaimer. Therefore, claims 19-37 are under prosecution in this application.

3. The Examiner acknowledges Applicants' response concerning the request for information and documentation under 37 C.F.R. 1.105, and therefore withdraws the previous office action's request regarding this matter.

The Examiner misinterpreted the MPEP 706.02(c) during a personal office interview with Applicant's representative (Tiep Nguyen) on October 2, 2000, which resulted in a withdrawal of the rejection of claims 19-37 under 35 U.S.C. 102(a).

MPEP 706.02(c), states that, "... If the activity is by an entity other than the inventors or

assignee, such as sale by another, manufacture by another or disclosure of the invention by applicant to another then both 35 U.S.C. 102(a) and (b) may be applicable. If the evidence only points to knowledge within the year prior to the effective filing date then 35 U.S.C. 102(a) applies. However, no rejection under 35 U.S.C. 102(a) should be made if there is evidence that **Applicant** made the invention and only disclosed it to others within the year prior to the effective filing date. In this particular case, there is no evidence that **Applicant** made the invention, the only evidence is that the same assignee made the invention. Note that this disqualification of 102(a) type art from the same assignee only holds under 103. If the article actually anticipates the claims and can be used under 102, then the rejection can still stand under 102(a) even if they are commonly assigned. Assignee can be taken into account only if the rejection moves to obviousness type (MPEP 706.02(k)). Therefore, the rejection of claims 19-37 under 102(a) as discussed in the previous office action (paper No. 19) is reinstated.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 19-37 are rejected under 35 U.S.C. § 102(a) based upon a public use or sale of the

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invention as discussed in "Trade it Yourself Bank Machines Make a Debut Securities", Los Angeles Times, October 6, 1994.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (703) 305-1061. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703) 746-7238 or 7239.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Respectfully Submitted



Hani.Kazimi

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December 31, 2001